

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated October 11, 2007 (hereinafter Office Action) has been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, and in an effort to facilitate prosecution, Applicant has amended the independent claims to explicitly characterize that the alarm is displayed based on a gaming calendar item stored in the device that displays the alarm. As these limitations were already implicitly present in the original independent claims and further support may be found in the Specification, for example, at paragraphs [0026], [0030] and [0033], the changes do not introduce new matter. Each of the claims is believed to be patentable for the reasons set forth below.

The asserted teachings of U.S. Publication No. 2003/0190960 by Jokipii *et al.* (hereinafter "Jokipii") fail to teach or suggest displaying an alarm on a display of a device based on a gaming item stored in a calendar application of the device when the gaming session is due, as now explicitly claimed. Contrary to the assertion at paragraph ten of the Office Action that the claim scopes are not directed to a single electronic gaming device, each of the independent claims is clearly directed to a method in an electronic gaming device (Claims 1, 4, 9 and 11) or to an electronic gaming device (Claims 5 and 8) where the antecedent basis for each mention of a claimed device refers to a single device. The only device identified in Jokipii as allegedly using a calendar is the league administrator's device (paragraph [0036]) which displays the relied-upon interface shown in Fig. 5. However, it is the league administrator's device that sends (and does not receive) the asserted invitation to other players to alert them to the start of a game. Moreover, there is no indication that an alarm is displayed on the league administrator's device when a gaming session is due. None of the devices of Jokipii have been shown to both store a gaming calendar item in a calendar application of the device and display an alarm on that device based on the stored

calendar item. Without a presentation of correspondence to each of the claimed limitations, the § 102(e) rejection is improper.

Moreover, Jokipii has not been shown to teach or suggest a calendar application, as claimed. The asserted gaming application fails to correspond to the claimed calendar application since the gaming application is not “of the gaming device” and is instead located on the server side of Jokipii’s system. Rather, the player’s devices merely download a game client 215 that enables a device to communicate with the game engine 335 (paragraph 0045). Further, the assertion is unsupported as there is no indication in Jokipii that the online gaming system and/or its interface operates as a calendar application for storing individual device appointments. This assertion fails to identify correspondence to the claimed limitations in as complete detail as is contained in the claim as required by case law in *Richardson*. Without a presentation of correspondence to each of the claimed limitations, the § 102(e) rejection is improper, and Applicant requests that the rejection be withdrawn.

With particular respect to the multiple assertions of inherency, such assertions are unsupported and incorrect. Applicant notes that “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art). MPEP § 2112 further states that “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’ *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).” The multiple assertions are not supported by the teachings of Jokipii.

First, the assertion at paragraph nine that calendar systems such as Outlook for Windows or Yahoo calendar include an alert or alarm messaging system fails to recognize

that Jokipii makes no mention of player devices that receive an invitation message, or an administrator's device, having or using such software. There is no teaching that any of the devices disclosed in Jokipii would have such calendar software in order to include such an alarm. Second the assertion at paragraph eleven that tournament histories and schedules must be entered in a calendar is incorrect. For example, such schedules may be listed in a text form without any connection to a calendar application. Third, the assertion at paragraph thirteen that informing, in a message, of a time and date would correspond to sending a calendar item is incorrect. Such information could be sent as text and the information alone would not correspond to the claimed calendar item which is created via a calendar application (*see, e.g.*, paragraph [0027] of the instant Specification). Thus, the requisite evidence to support the multiple assertions of inherency has not been presented, and in contrast, the asserted teachings would not necessarily be present in the teachings of Jokipii.

Applicant notes that to anticipate a claim the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully maintains that Jokipii does not teach every element of independent Claims 1, 4, 5, 8, 9 and 11 in the requisite detail and therefore fails to anticipate Claims 1-12.

In addition, dependent Claims 2, 3, 6, 7, 10 and 12 depend from independent Claims 1, 5, 9 and 11, respectively, and also stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Jokipii. While Applicant does not acquiesce with the particular rejection to these dependent claims, the rejection is also improper for the reasons discussed above in connection with independent Claims 1, 5, 9 and 11. These dependent claims

include all of the limitations of independent Claims 1, 5, 9 and 11 and any intervening claims, and recite additional features which further distinguish them from the cited reference. Therefore, the rejection of dependent Claims 2, 3, 6, 7, 10 and 12 is improper. Applicant accordingly requests that the § 102(e) rejection be withdrawn.

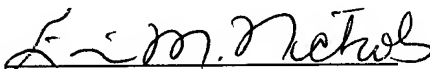
With particular respect to dependent Claims 2, 3, 6, 7, 10, it has not been shown that Jokipii teaches that a calendar item is sent or that it includes information about a server of a multiplayer game since, as discussed above, Jokipii has not been shown to teach a calendar item. The mere sending of a message as taught by paragraph [0034] has not been shown to correspond to the sending of a calendar item. Also, none of the messages identified in Jokipii have been shown to include information about a server. Instead it would appear that such information would not be sent as paragraph [0041] indicates that players are automatically seated at a table if they respond to a message. The asserted messages of Jokipii have not been shown to correspond to the claim limitations directed to a calendar item in the requisite detail to support a § 102(e) rejection. Applicant accordingly requests that the rejection be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (NSN.004.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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By: 

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